



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pat. application of: )

Inventor: LATHROP, et al. )

Patent No. 5,133,352 )

Issued: 28 July 1992 )

Serial No. 508,840 )

Filed: 12 April 1990 )

For: METHOD FOR TREATING HERPES SIMPLEX )

PETITION UNDER 37 C.F.R. § 1.378(c)

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

I, Vivian Liu, your petitioner in the matter of the above-identified patent, state that I am Vice President of NexMed, Inc., a corporation of the State of Nevada having a place of business and a postal address at 6087 Triangle Drive, Commerce CA 90040, and that I have full authority to execute this PETITION UNDER 37 C.F.R. § 1.378(c) on behalf of said NexMed, Inc. I further declare that NexMed, Inc., is the successor in interest to BioElectric, Inc., which was a successor in interest to Target Capital, Inc., which purchased all right, title and interest in the above-identified patent from the named inventors, Peter H. Lathrop and Steve K. Johnston, assignees to said patent by reason of an Assignment recorded in the United States Patent and Trademark Office at Reel 6399, Frames 0907-0910.

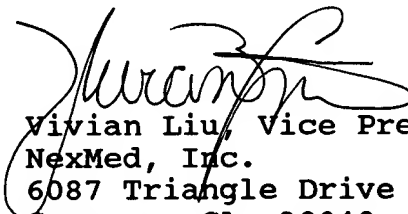
I further state that the payment of the Patent Maintenance Fee due at 3.5 years was unintentionally not made due to the press of matters involved in organizing the present company and raising the necessary capital to enable the company to function adequately.

Pursuant to the provisions of 37 C.F.R. § 1.378(c), enclosed is Check Number 2378 in the amount of \$2,110.00 which represents the surcharge after expiration -- late payment is unintentional -- of \$1600.00 plus the patent maintenance fee due at 3.5 years (small entity) of \$510.00.

I further declare that all statements made in this PETITION UNDER 37 C.F.R. § 1.378(c) of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the subject patent.

Signed at Commerce, California, this 30<sup>th</sup> day of May  
1997.

Respectfully submitted,

  
Vivian Liu, Vice President  
NexMed, Inc.  
6087 Triangle Drive  
Commerce CA 90040  
Telephone: (213) 890-0881